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ABSTRACT

P.L. 94-142 carries with it considerable potential for both special and general education. The law, however, is currently surrounded by many myths. It does not, for instance, apply to all handicapped children, but only to those who require special education because of their disability. It does not eliminate all special education classes or require that all students be mainstreamed into regular classes. It only requires that a child be placed in the least restrictive educational environment commensurate with his or her needs. While many children can be easily integrated into regular classrooms, many others will continue in special classes. Partly in response to the Hoffman case in which a boy was misassigned to classes for the retarded for the entire course of his schooling, the law requires careful and nondiscriminatory testing and placement procedures. Educational administrators will have to assume a new leadership role in educational placement and evaluation. They will also have to make sure all personnel are aware of and trained to carry out individualized education programs. Once the concept of relating the educational needs of individuals to the offerings of the bureaucratic agencies serving them is accepted, the basic definition of all education may be dramatically changed. (Author/JM)

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An Emerging Context...

the integration of Special and General Education

The Impact of P.L. 94-142 upon General Educational Administrators

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Through the promulgation of P.L. 94-142, The Education for All Handicapped Children Act of 1975, the Congress of the United States, has mandated that each state shall insure that a free appropriate public education is made available to all of its handicapped children aged 3 through 18 no later than September 1, 1978 and all of its handicapped children ages 3 through 21 not later than September 1, 1980. To accomplish this, the federal government has, for the first time, established a set of minimum standards to be followed by state and local education agencies and their representatives to insure that such an education is indeed being provided.

The potential impact of this federal mandate will be felt far beyond the handicapped population for which it was originally intended. P.L. 94-142 carries with it considerable potential for both special and general education. General educational administrators in particular need to know not only what comprise the minimum standards prescribed by this

act for the handicapped, but what their impact might be upon non-handicapped children as well.

The purpose of this paper, therefore, is two-fold. First, it will attempt to dispel many of the myths which have been generated about this act since its conception. Second, it will describe for general educational administrators some of the minimum standards established by P.L. 94-142 and how they relate to the education of both handicapped and non-handicapped children.

An Appropriate Education for Whom?

Most schools in this country have always maintained two separate systems of education. One was a general or regular educational course of study designed for their so-called "normal" children. The other was a separate or special program, for those

who were "other than normal." Unfortunately, a large percentage of the children who were assigned to this latter program were often those who were (1) Difficult to teach; (2) Discipline Problems; (3) Racially, economically, or linguistically different; or (4) Did not conform to majority group expectations. Prior to 1975, therefore, special education often became the dumping grounds for many children who were simply rejected by regular classroom teachers. Equally distressing was the fact that there were many children in need of special education who remained in regular classes because their handicaps were either undetected or unnoticed.

To assist educational administrators in distinguishing exactly who should or who should not be admitted to special education programs, P.L. 94-142 has established a very specific federal definition of handicapped children. According to the definition:

The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired or other health impaired children, or children with specific learning disabilities, who by reason thereof require special education and related services.¹

Educational administrators need to understand that in order for a child to be defined as handicapped under P.L. 94-142, he or she must (1) have one or more of the above specified disabilities; and, equally important (2) require special education and related services because of this disability. A student who is orthopedically impaired, for instance, once he or she gains access to a regular classroom, may not require special education. Under P.L. 94-142, therefore, this child would not be considered handicapped.

Fears and the Integration of Handicapped Children

Probably one of the most widely discussed and yet most misunderstood aspects of P.L. 94-142 concerns the integration of handicapped children into regular classrooms. General educational administrators need to realize that P.L. 94-142 does not call for the elimination of all special education programs; nor does it require that all handicapped children be "mainstreamed" into classrooms with nonhandicapped children. Nowhere in the law or in its regulations, in fact, is the term "mainstreaming" even mentioned. What the law does require, however, is that each handicapped child is to be placed in the least restrictive educational environment commensurate with his or her individual needs.

Initially, there was also considerable fear on the part of many regular education teachers as to the kinds of handicapped children they might expect to admit into their classrooms because of this law. Published misinformation and misconceptions concerning the law often intensified their fears. A few months prior to the enactment of P.L. 94-142, for example, a column written by Al Shanker, President of the American Federation of Teachers, appeared in the *New York Times*, which mentioned a list of handicapped students the author anticipated to be entering regular classrooms in the fall. Included on this list were "hydrocephalic children who were born with holes in their hearts, who turn blue periodically and who have water on the brain and tubes in their heads which drain off the excess water."² Obviously, this is not, nor was ever, the intent of P.L. 94-142. In fact, statistics gathered by the U.S. Bureau of Education for the Handicapped (BEH) revealed that approximately 6 out of every 7 or 85 percent of the handicapped children identified by local and state education agencies in 1977-78 had one of the following 3 handicaps: 35 percent were speech-impaired; 27 percent were learning-disabled; and 23 percent were mentally retarded.³ Children with these disabilities are by no means new to most general educators.

Additional data also verifies that not all of these handicapped children were placed in regular education. BEH found that approximately 68 percent of the handicapped children served in 1976-77 were integrated in regular classrooms. This figure should not be surprising, however, since, as demonstrated above, the majority of handicapped children had relatively mild handicapping conditions and could readily be served in regular educational programs. Approximately one quarter of these handicapped children were educated in segregated or special classrooms, and seven percent were educated in separate school facilities or other educational environments, such as homebound instruction or residential settings. As might be anticipated, the predominant educational placement of these children also appeared to be largely dependent upon the nature of their handicap. Ninety-one percent of all children with speech impairment, for example, were educated in regular classrooms, while only fourteen percent of all deaf children were.⁴

In summary, the basic fear on the part of many general educators and administrators that P.L. 94-142 would bring about the elimination of special education programs and call for the education of all handicapped children, even the most severely disabled, in regular educational programs has been and will continue to be unsubstantiated.

The Identification and Testing of Handicapped Children

On November 6, 1978, a New York State Appellate Court awarded a 27-year-old messenger boy \$500,000 in damages after finding the New York City Board of Education had "negligently" diagnosed and educated him as mentally retarded.

Daniel Hoffman, according to his attorney, entered school at the age of five with a severe speech defect. Despite his disability, a psychologist who had been employed by the New York City Public Schools for only one week, used a Stanford-Binet (L) battery, which required verbal responses to test his intelligence. A score of 74 placed him in a program for the mentally retarded despite the fact that a 75 would have disqualified him. The psychologist recommended that Hoffman be retested within two years. He was not and continued through his twelve years of education without such an evaluation.

Hoffman's attorney alleged that after his first year in the special program, teacher records indicated that his client had placed within the top ten percent of the country on a standardized reading readiness test. The score, however, was never brought to the attention of the school board. Moreover, while enrolled in a private program for children with speech disabilities prior to his enrollment in the New York City Schools, his records demonstrated that he was tested as having an I.Q. of 90. Nevertheless, neither his parents nor the New York City Schools were ever aware of this score.

When Hoffman was eighteen the Social Security Administration ordered his mother to have his intelligence tested to determine if she could continue to receive benefits for him. The test showed an I.Q. of 95. Consequently, Hoffman filed suit charging educational negligence against the New York City Board of Education in June, 1970.⁵

Prior to the Hoffman case, scores of other judicial hearings focused on the considerable overrepresentation of minority group students assigned to special education. Many alleged that such overrepresentation was due primarily to identification procedures and test instruments that were racially, culturally, and linguistically biased. Other cases pointed to the fact that, once admitted to special education, it was very seldom that a child was afforded the opportunity to reevaluation or reassignment into the regular program.

In response to many of these problems, P.L. 94-142 requires schools to select, adapt, and use testing and evaluation materials and procedures that are not racially discriminatory. Furthermore, it specifies that such materials are to be provided and administered in the child's native language or other mode of communication and be validated for the specific purpose for which they are to be used.

Administrators, however, should also be aware that this act specifies that no single procedure can be used as the sole criterion for determining the appropriate educational placement for a child and that a child's evaluation is to be conducted by a multi-disciplinary team, including at least one teacher or other specialist with knowledge in the area of the child's suspected disability. Finally, in an attempt to prevent many of the problems encountered in the Hoffman case, P.O.L. 84-142 requires that every child who is assigned to special education be reevaluated at least once every three years, or even more frequently if the child's parent or teacher requests such an evaluation.

The Placement and Evaluation of Handicapped Children

In addition to becoming more greatly involved in the testing and identification of handicapped children, general educational administrators will also have to assume a new leadership role in the educational placement and evaluation of these children. The mandate of individualized education programs (IEP's) will necessitate the development of new avenues of communication and cooperation among both regular and special educational personnel as well as with the parents of handicapped children. If the intended benefits of the IEP are to become a reality, however, general educational administrators will have to assume the major responsibility for assuring that all of their educational personnel and support staff will be retrained and made aware of these new procedures; that sufficient material as well as human resources will be available to carry out the specifications of the IEPs; and finally, that adequate in-school or released time is provided to plan properly for and conduct the IEP meetings.⁶

The concept of individual education programs, however, is by no means unique to handicapped children. As early as 1974, P.L. 93-380, the Education Amendments to Title I of the Elementary and Secondary Education Act (supplementary assistance to economically disadvantaged children) carried with it the strong recommendation that individualized programs were to be provided for all children served under Title I. Similarly, the Vocational Rehabilitation Act of 1973 (P.L. 93-112) and the Developmental Disabilities Assistance and Bill of Rights Act of 1975 (P.L. 94-103) both contained

strong mandates for individualized written programs. Furthermore, quite recently advocates and parents of gifted and talented children have requested that IEP's be provided to meet the unique educational needs of their children. More than likely, therefore, it will only be a matter of time before IEP's are requested by individuals representing the general school population as well.

Impact Upon General Education

There would probably be little disagreement among general educators over the statement that schools tend to do best with children who are prepared to do what they expect. The mandated integration of handicapped children, many of whom do not conform to traditional group expectations, however, will no doubt lead to considerable anxiety on behalf of many professional educators. It is quite possible, for example, that P.L. 94-142 will require that traditional classroom teachers change or modify a number of their existing teaching strategies. For instance, a chemistry teacher, who in the past has made extensive use of visual aides and materials, when confronted with the addition of a blind child in his or her classroom, might have to severely modify this type of instructional approach. Educational administrators will thus be called upon to alleviate many of the fears, false expectations, and instructional changes that will have to take place because of this law. Furthermore, it is possible that P.L. 94-142 will force many administrators to assume a role which many have largely forgotten—that of being the instructional leader or master teacher of the local educational setting.

P.L. 94-142 will also require that general educational administrators become well versed in due procedures not only as they relate to handicapped but to non-handicapped children as well. These individuals must be aware that the purpose of procedural safeguards, however, is not to create an adversary relationship or to encourage the use of outside legal experts to debate or determine local educational policy. Rather, it is to establish an environment in which interested parties can come together to discuss the educational as well as personal needs of a child; to design an appropriate educational program to meet these needs; and finally, to plan how to accurately assess the program's effectiveness.⁷

Educational administrators also need to stress the fact that procedural safeguards do not solely pertain to handicapped children or their parents. They apply to all school personnel. As such, P.L. 94-142

will provide teachers and administrators with the opportunity not only to have a voice in matters pertaining to the educational placement of children, but to be active participants in the process as well. As more general educators become involved in and knowledgeable about due process procedures as they relate to handicapped children, it is also hoped that their benefits will become easily incorporated into the decision-making process affecting the educational placement of all children.

Finally, there are many individuals who believe P.L. 94-142 could have a considerable impact upon the future direction of education in general. With the federal mandate that all handicapped children must be provided with the special education and related services they need to meet their unique educational needs, the definition of what constitutes these needs as well as what constitutes an education will undoubtedly be changed. The law requires that new structures and relationships be established among a variety of human service agencies to best provide for the needs of handicapped children. Once this concept of relating the educational needs of individuals to the offerings of a large number of bureaucratic agencies involved with all aspects of human development can be institutionalized, the basic definition of what constitutes an education for any child will be dramatically changed. □

FOOTNOTES

1. *United States Congress, The Education for All Handicapped Children Act, P.L. 94-142, Sec. 4, November 29, 1975.*
2. *Shanker, Albert. "Where We Stand", New York Times, March 20, 1977.*
3. *U.S. Department of Health, Education, and Welfare, Office of Education, Progress Toward a Free Appropriate Public Education (Washington, D.C.: U.S. Office of Education, January, 1979): p. 10.*
4. *Ibid. pp. 34-35.*
5. *Capitol Publication, Inc. "Court Awards Half-Million in School Board Negligence Suit", Education Daily, Vol. II, No. 227, November 27, 1978.*
6. *Zettel, Jeffrey J. and Weintraub, Frederick J. "P.L. 94-142: Its Origins and Implications", The National Elementary Principal, Vol. 58, No. 1, October, 1978, p. 13.*
7. *Ibid.*